

**LFC Requester:****Clint Elkins**

**AGENCY BILL ANALYSIS  
2016 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**    ☐    **Amendment**    ☐  
**Correction**    ☐    **Substitute**    ☒

**Date** February 4, 2016

**Bill No:** HB 127

**Sponsor:** Adkins, David E

**Agency Code:** 305

**Short**    School District Employee

**Person Writing**    S. Carrasco-Trujillo

**Title:**    Background Checks

**Phone:** 7-6067

**Email** Scarrasco-trujillo@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

**Synopsis:**

The House Education Committee Substitute adds a definition of "background check" to the previously proposed legislation.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

The most significant issue presented by the proposed legislation is the attempt to ensure that all employees of all school districts, local school boards, regional education cooperatives and charter schools have current, verifiable fingerprint supported background checks on file.

Notably, there is a potential language deficit contained in the bill which likely would be interpreted to not require the reporting of appropriate convictions of crimes involving moral turpitude for all employees.

See alternatives below.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

None Noted.

## **OTHER SUBSTANTIVE ISSUES**

See significant issues above.

## **ALTERNATIVES**

An alternative that should be considered is on page 6, line 22 delete “a licensed” and replace with “any employee” and on page 6 line 23 delete “licensed.”

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**

See Alternatives.